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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE CHRYSLER-DODGE-JEEP
“ECODIESEL” MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No: 3:17-MD-2777-EMC

**RESPONSE TO NOTICE OF INTENT
TO APPOINT KENNETH FEINBERG
AS SETTLEMENT MASTER**

Hon. Edward M. Chen

UNITED STATES' RESPONSE TO NOTICE OF INTENT TO APPOINT KENNETH FEINBERG AS SETTLEMENT MASTER

Plaintiff United States, acting on behalf of the U.S. Environmental Protection Agency (“EPA”), files this response to the Court’s Notice of Intent to Appoint Kenneth Feinberg as Settlement Master. (Dkt. No. 182, “PTO 5”). The United States does not object to the appointment of Mr. Feinberg as Settlement Master, provided that the appointment not take effect until after the expiration or termination of Mr. Feinberg’s contract to provide consulting services

1 to Volkswagen (“VW”) in connection with a similar case involving the same defense counsel,
2 Robert Giuffra.

3 As Mr. Feinberg has appropriately disclosed in this case, he currently serves as a
4 consultant to the defendant in the VW Clean Diesel Marketing, Sales Practices, and Products
5 Liability Litigation currently before the Honorable Charles R. Breyer in the Northern District of
6 California in which the United States is also a plaintiff.¹ (PTO 5 Exhibit B, Dkt. No. 182-2). In
7 his role as consultant, Mr. Feinberg is paid a monthly retainer to consult with VW counsel in that
8 case, Mr. Giuffra. *Id.* As the Court is aware, Mr. Giuffra represents the defendants named by the
9 United States in this case, which shares a number of similarities with the VW litigation.
10

11 Mr. Feinberg has disclosed that his consultant contract with VW expires on September 1,
12 2017. *Id.* To avoid any appearance of a potential lack of impartiality, the United States
13 respectfully requests that the duties of Mr. Feinberg as Settlement Master become effective after
14 the expiration or termination of Mr. Feinberg’s contract as a consultant in the VW matter.
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17 Respectfully submitted,

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19 JEFFREY H. WOOD
20 Acting Assistant Attorney General
21 Environment and Natural Resources Division
22 U.S. Department of Justice
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¹ Case No. 3:15-md-02672-CRB, In Re Volkswagen “Clean Diesel” MDL.

By:

/s/ Leigh P. Rendé

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CERTIFICATE OF SERVICE

In compliance with Civil Local Rule 5-5, I hereby certify that on July 12, 2017, a true and correct copy of the foregoing Response to Notice of Intent to Appoint Kenneth Feinberg as Settlement Master was served electronically on all parties to this multidistrict litigation via the CM/ECF system. I further certify that I caused the foregoing to be sent via U.S. Mail to the non-CM/ECF participants identified on the Manual Service List below:

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